

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

In re

Case Number 23-10469

Chapter 13

SHANEIKA R. HOLT

Debtor(s).

Plaintiff

SHANEIKA R. HOLT

v.

Adv. Proc. No. 23-

Defendant

HARPETH FINANCIAL SERVICES, LLC

---

**COMPLAINT TO AVOID PRE-PETITION JUDGMENT LIEN**

---

Comes now the Debtor(s)/Plaintiff(s), by and through her undersigned counsel of record and would show unto the Court the following:

1. On April 13, 2023, the above referenced plaintiff's file a Chapter 13 bankruptcy case in this court which was assigned case # 23-10469.
2. Prior to the filing of this bankruptcy, defendant Harpeth Financial Services, LLC, obtained a judgment against plaintiff in the amount of \$6,819.14 in the General Sessions Court of Madison County, TN under Civil Action # 19CV-5110.
3. This judgment was obtained against her on or about February 10, 2020.
4. Defendant, Harpeth Financial Services, LLC then obtained a certified copy of its judgment and registered same in the Register's Office of Madison County, Tennessee. This judgment lien was recorded on deed book L70, pages 731-732 on or about November 7, 2022.

5. Pursuant to the laws in the State of Tennessee, said registration of a lien acts as a judgment lien on any real property that plaintiff owns in Madison County.

6. The only property owned by plaintiff is a home located at 131 Womack Lane, Denmark, TN 38391.

7. The property located at 131 Womack Lane, Denmark, TN 38391 was purchased by Plaintiff/Debtor and a warranty deed was recorded in the Register's Office in Madison County, TN in Book D738 Page 961-962 with a property description as follows:

Map 97, Parcel 28.01

Map 97, Parcel 28.04

TRACT ONE: (Map 97, Parcel 28.01)

BEGINNING at a point in the west line of Nathaniel Smith, Jr. as recorded in Deed Book 475, page 171 in the Register's Office of Madison County, Tennessee, runs thence with Smith's West line a distance of 150 feet more or less to a point in the northeast corner of Lulabell Gardner, thence with Gardners' north line north 87 degrees 33 minutes west a distance of 116.54 feet to the northwest corner of Gardner, thence in a northwesterly direction a distance of 150 feet more or less to a point in the south margin of Womack Road, thence with the south margin of Womack Road a distance of 100 feet to the point of beginning. (Legal description taken from prior deed.)

Being the same real estate conveyed to Shatoris Holt by deed dated March 18, 2014 and recorded in Deed Book 723, page 349, in the Register's Office of Madison County, Tennessee.

TRACT TWO: (Map 97, Parcel 28.04)

BEGINNING at a point in the west line of Nathaniel Smith, Jr. as recorded in Deed Book 475, page 17, in the Register's Office of Madison County, Tennessee, said pin being at the southeast corner of Mattie Clark as recorded in Deed Book 574, page 946, in the said Register's Office and also being south 23 degrees 50 minutes east a distance of 164.82 feet from the south margin of Womack Road; thence with Smith's west line following a fence south 23 degrees 50 minutes east a distance of 205.55 feet to an iron pin on the west line of Marie Neely; thence with Neely's west line south 34 degrees 45 minutes west a distance of 109.43 feet to an iron pin at the southeast corner of the remainder of the James Anderson property; thence north 25 degrees 51 minutes west a distance of 314.39 feet to a post at the southwest corner of Clark; thence with Clark's south line south 87 degrees 33 minutes east a distance of 116.54 feet to the point of beginning. (Legal description taken from prior deed.)

Being the same real estate conveyed to Shatoria Holt by deed dated March 24, 2014 and recorded in Deed Book 723, page 496, in the Register's Office of Madison County, Tennessee.

8. The value of said home is \$72,500.00, however, there is a lien in favor of 21<sup>st</sup> Mortgage with a payoff amount of \$47,880.00.

9. Plaintiff is entitled to a homestead exemption in the amount of \$35,000.00 on said home.

10. The pre-petition judgment lien of Harpeth Financial Services, LLC impairs the homestead to which plaintiff would otherwise be entitled in the property, and pursuant to 11 USC § 522 (f) (1) (A), said lien is voidable.

WHEREFORE, PREMISES CONSIDERED, Plaintiff/Debtor requests that this court issue an order declaring the pre-petition judicial lien of defendant to be null, void, and without effect and authorize the entry of said order to extinguish the pre-petition judgment lien of defendant.

RESPECTFULLY SUBMITTED

Robert B. Vandiver, Jr.  
/s/ Robert B. Vandiver, Jr.  
Robert B. Vandiver, Jr. #15685  
P.O. Box 906  
Jackson, TN 38302-0906  
(731)-554-1313

CERTIFICATE OF SERVICE

The undersigned party, Attorney for party or agent therefore hereby certifies that on this 25th day of May, 2023, copies of the documents identified above were served by mail to the parties listed.

A complaint captioned complaint to avoid pre-petition judgment lien filed by the debtor counsel on May 25, 2023.

/s/ Robert B. Vandiver, Jr.  
Robert B. Vandiver, Jr. 15685  
P.O. Box 906  
Jackson, TN 38302-0906  
731-554-1313

Robert B. Vandiver, Jr.  
P.O. Box 906  
Jackson, TN 38302

Chapter 13 Trustee  
250 N. Parkway, Suite 1  
Jackson, TN 38305

Shaneika Holt  
131 Womack Lane  
Denmark, TN 38391

Harpeth Financial Services, LLC  
100 Oceanside Drive  
Nashville, TN 37204-2351

Registered Agents Inc as Registered Agent for  
Harpeth Financial Services, LLC  
116 Agnes Road, Suite 200  
Knoxville, TN 37919

The Hill Firm PLLC  
P.O. Box 150529  
Nashville, TN 37215

Rob Hill as Registered Agent for  
The Hill Firm PLLC  
109 Kenner Ave, Suite L-101  
Nashville, TN 37205-2246